

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH, GA.  
2005 MAY 27 PM 4:21

JULIE RHODES LATHAM, INDIVIDUALLY,  
AND AS ADMINISTRATRIX OF THE ESTATE  
OF RUFUS ROBERT RHODES, DECEASED,

Plaintiff,

vs.

Civil Action No. CV504-098

WARE COUNTY, GEORGIA, RONNIE  
MCQUAIG, IN HIS OFFICIAL CAPACITY AS  
SHERIFF OF WARE COUNTY, GEORGIA,  
WARE COUNTY EMERGENCY MEDICAL  
SERVICES, MARK WALKER, IN HIS OFFICIAL  
CAPACITY AS DIRECTOR OF WARE COUNTY  
EMERGENCY MEDICAL SERVICES, AEDEC  
INTERNATIONAL, INC., PETER WROBEL, M.D.  
AND BLACKSHEAR FAMILY PRACTICE, P.C.

Defendants.

**SUPPLEMENTAL EXPERT REPORT OF RICHARD SOBEL, MD, MPH  
PURSUANT TO F.C.R.P. 26(a)**

COME NOW Peter Wrobel, M.D. and Blackshear Family Practice, P.C., Defendants in the above-captioned civil action, and, pursuant to the amended Scheduling Order entered in this case on April 28, 2005, serve this Supplement to the Report of Richard Sobel, MD, MPH, who may be called as a witness at trial to provide expert testimony, pursuant to F.C.R.P. 26(a)(2)(B), as follows:

Dr. Sobel hereby supplements the opinions expressed in the second paragraph of his previously served Report prepared pursuant to F.C.R.P. 26(a)(2)(B), as follows:

*Ware County Detention Center ("Jail") medical staff were unable to administer Mr. Rhodes' medication during evening rounds (approximately 6:45 p.m.) on August 22, 2003 due to his depressed level of consciousness. There is no documentation that I could find to show that the*

*medical staff performed a reasonable assessment of Mr. Rhodes' neurological and cardio-vascular status at that point to verify his clinical stability. Furthermore, they did not notify Dr. Wrobel of Mr. Rhodes' inability to take his medication and progressive deterioration. The records indicate that the Jail staff assessed Mr. Rhodes again just before 8:00 p.m. on August 22, 2003 and found him unresponsive with a weak pulse. Despite this finding, Mr. Rhodes was maintained in the restraint chair and I can find no evidence of resuscitative efforts being performed. Instead, the Jail staff notified Dr. Wrobel who properly ordered the Jail staff to immediately contact Ware County EMS and have Mr. Rhodes transferred to the emergency department. When the Jail staff re-assessed Mr. Rhodes after speaking with Dr. Wrobel, Mr. Rhodes was found unconscious and pulseless.*

*The Ware County EMS Transport Report shows that EMS was called at 19:59 on August 22, 2003 and arrived at the patient 8 minutes later at 20:07. When the Ware County EMS team arrived, Mr. Rhodes was still in the restraint chair.*

*My review of the Jail's records and staff statements show that, during the time period set forth above, critical life support measures were not provided to Mr. Rhodes prior to the arrival of the EMS team. To a reasonable degree of medical certainty, this delay in the performance of CPR and the consequent lack of assisted perfusion and oxygenation would cause severe brain injury and/or brain death.*

The remainder of Dr. Sobel's Report remains unchanged by this Supplement.

**[Signature page to follow.]**

This 27<sup>th</sup> day of May, 2005.

BRENNAN & WARDEN, LLP

By:

  
Wiley A. Wasden, III

State Bar No. 738750

Peter A. Giusti

State Bar No. 296279

Attorneys for Defendants

Peter Wrobel, M.D. and

Blackshear Family Practice, P.C.

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**CERTIFICATE OF SERVICE**

I, Peter A. Giusti, do hereby certify that I have this day served the following counsel of record with a copy of the foregoing SUPPLEMENTAL EXPERT REPORT OF RICHARD SOBEL, MD, MPH PURSUANT TO F.C.R.P. 26(a) by e-mail, facsimile and by placing a copy of the same in the United States mail with proper postage affixed thereon and addressed as follows:

Brent Savage, Esq.  
PO Box 10600  
Savannah, Georgia 31412

Richard Strickland, Esq.  
Post Office Box 220  
Brunswick, Georgia 31521

Patrick O'Connor, Esq.  
Post Office Box 10186  
Savannah, Georgia 31412

This 27<sup>th</sup> day of May, 2005.

BY:

 BRENNAN AND WARDEN, LLP

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State Bar No. 296279  
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